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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,054	06/15/1999	DAVID W. JOHNSON	11381	4885

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EXAMINER

NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/334,054

Applicant(s)

JOHNSON, DAVID W.

Examiner

Sandra M. Nolan

Art Unit

1772

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 February 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 6-9 and 13.

Claim(s) objected to: None.

Claim(s) rejected: 1-5, 10-12, 14-22, 25 and 31-35.

Claim(s) withdrawn from consideration: None.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ATTACHMENT TO ADVISORY ACTION

Claims

1. After entry of the amendment proposed in the response dated February 20, 2002 (Paper No. 13), claims 1-22, 25 and 31-35 are pending.

Rejections Maintained

2. The 35 USC 102 rejection of claims 12, 14, and 16-18 as anticipated by Payet et al (US 5,332,312), as explained in section 2 of the October 30, 2001 Office Action (Paper No. 12), is maintained for reasons of record.
3. The 35 USC 103 rejection of claims 1-5, 11, 12, and 15-22, 25, and 31-35 as unpatentable over Nash (US 5,620,773) in view of Payet et al, as recited in section 6 of Paper No. 9, is maintained for reasons of record.
4. The 35 USC 103 rejection of claim 10 as unpatentable over Nash and Payet take with Momose (US 4,851,266), as recited in section 7 of Paper No. 9, is maintained for reasons of record.

Allowable Subject Matter

5. Claims 6-9 and 13 are allowed.

Response to Arguments

6. Applicant's arguments filed in Paper No.13 have been fully considered but they are not persuasive.

The arguments in Paper No. 13 will be responded to in the order in which they were presented in Paper No. 13.

On page 2 of Paper No. 13, applicant summarizes his invention and the rejections referred to above in items 2 and 3.

On page 3 of Paper No. 13, applicant argues that Payet's teaching that particles of colloidal silica can be placed between layers of silicone and elastomer in a latex article is contrary to applicant's claims, which "teach applying particles to the outside surface of an elastomeric article.

However, the silicone and rubber layers of Payet are both elastomers (col. 3, lines 15 and 21-22 of Payet). The particles are placed on top of the silicone elastomer of yield a particle-coated silicone elastomer article (col. 3, lines 13-16), which coated article is then coated with a latex rubber (col. 3, lines 21-22). This article is what is recited in claims 12, 14, and 17-18. The use of a coagulant, as required in claim 16, is taught at col. 1, lines 62+ of Payet.

The Payet reference is to be considered in its entirety. Thus, the steps of the Payet process, which mimic applicant's steps as recited in claim 14, will produce the same article that applicant produces.

On page 3, applicant argues that the Nash teachings are "directly opposite" to the invention as claimed.

However, the Nash teachings include the Nash abstract, which states that the silica particles are "securely imbedded within the final layer of silicone, with portions thereof extending outwardly beyond the new outer surface of the gloves." [quoted from the last sentence of the abstract] Accordingly, the Nash gloves, while they are on the

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glove former, are virtually the same as applicants, except that Nash does not specifically call for colloidal silica (which Payet does).

The examiner notes that Nash uses a hand-shaped former, or "mandrel" to make his gloves (col. 3, lines 18-19).

On page 4, applicant repeated refers to the use of particles on the outer surface of his gloves as being different from the use of same on the inner surface of the Nash gloves or in the intermediate layer of the Payet articles.

However, Nash's gloves and Payet's articles both exist as externally coated articles when they are manufactured. The fact that--as Nash notes at col. 3, lines 18+-- they are subsequently inverted so that the silica particles are closer to/on the inner surface does not make the silica-coated formers of both Payet and Nash unavailable as prior art. The same property that makes silica coatings beneficial on or near the innermost surfaces of articles makes them beneficial on or near the outermost surfaces as well.

On page 4, applicant refers to Momose, and its relevance to claim 10, in summary fashion.

However, the Momose teaching—at col. 4, lines 44-46—is relevant to the patentability of claim 10, which claim calls for powder coatings on both the inner and outer surfaces of gloves.

Conclusion

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can

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normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The fax number for after final communications is 703/872-9310. The receptionist answers 703/308-0661.

SMN

SMN/smn
March 18, 2002
09334054(14)

[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

3/18/02